

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the distinguished majority leader, the distinguished Democratic leader, the Democratic whip, myself, and other Senators have worked out this agreement that I now ask unanimous consent to be considered by the Senate.

The PRESIDING OFFICER. Will the Senator suspend for a moment, please. The Chair has some business to conduct. I apologize.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Graham of South Carolina amendment No. 3170, to provide for the treatment by the Department of Energy of waste material.

Crapo amendment No. 3226 (to amendment No. 3170), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am presenting this unanimous consent request, together with the distinguished Senator from Nevada, who will comment on it as soon as I have completed reading it.

I ask unanimous consent that the pending amendments be temporarily set aside, and that following this consent, Senator DASCHLE be recognized in order to offer an amendment related to TRICARE. I further ask unanimous consent that when the Senate resumes the Defense bill on Thursday morning, tomorrow morning, the Senate proceed to a vote on adoption of the pending Crapo amendment No. 3226, to be followed by a vote on the adoption of the underlying amendment No. 3170, as amended. I further ask unanimous consent that Senator CANTWELL be recognized to offer an amendment related to nuclear waste, and that there be 4 hours for debate equally divided in the usual form; provided further that following the use or yielding back of time the Senate proceed to a vote in relation to the Cantwell amendment, with no amendments in order to the amendment prior to the vote—before the Chair rules, I would announce it is my understanding that the pending

Graham and Crapo amendments would not require rollcall votes and would be accepted by voice—provided further, I ask unanimous consent that following the disposition of the TRICARE amendment, the Senator from Virginia, Mr. WARNER, be recognized in order to offer an amendment related to the \$25 billion contingent fund requested by the President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. There is a unanimous consent request pending.

Mr. WARNER. I renew the request as stated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank my colleagues for making this possible.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

#### AMENDMENT NO. 3258

Mr. GRAHAM of South Carolina. I ask unanimous consent I be allowed to offer the TRICARE amendment, and I send it to the desk at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. DASCHLE, proposes an amendment numbered 3258.

Mr. GRAHAM of South Carolina. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes)

Beginning on page 134, strike line 18 and all that follows through page 141, line 12, and insert the following:

#### SEC. 706. EXPANDED ELIGIBILITY OF READY RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) UNCONDITIONAL ELIGIBILITY.—Subsection (a) of section 1076b of title 10, United States Code, is amended by striking “is eligible, subject to subsection (h), to enroll in TRICARE” and all that follows through “an employer-sponsored health benefits plan” and inserting “, except for a member who is

enrolled or is eligible to enroll in a health benefits plan under chapter 89 of title 5, is eligible to enroll in TRICARE, subject to subsection (h)”.

(b) PERMANENT AUTHORITY.—Subsection (1) of such section is repealed.

(c) CONFORMING REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended—

(1) by striking subsections (i) and (j); and

(2) by redesignating subsection (k) as subsection (i).

#### SEC. 707. CONTINUATION OF NON-TRICARE HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN RESERVES CALLED OR ORDERED TO ACTIVE DUTY AND THEIR DEPENDENTS.

(a) REQUIRED CONTINUATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

#### “§ 1078b. Continuation of non-TRICARE health benefits plan coverage for dependents of certain Reserves called or ordered to active duty

“(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for the members of the family of an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

“(b) ELIGIBLE MEMBER; FAMILY MEMBERS.—(1) A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

“(2) For the purposes of this section, the members of the family of an eligible reserve component member include only the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

“(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for the members of the family of a reserve component member called or ordered to active duty is qualified health benefits plan coverage if—

“(1) the coverage was in force on the date on which the Secretary notified the reserve component member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

“(2) on such date, the coverage applied to the reserve component member and members of the family of the reserve component member; and

“(3) the coverage has not lapsed.

“(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage for the family members of a reserve component member is the amount of the premium payable by the member for the coverage of the family members.

“(e) MAXIMUM AMOUNT.—The total amount that the Department of Defense may pay for the applicable premium of a health benefits plan for the family members of a reserve component member under this section in a fiscal year may not exceed the amount determined by multiplying—

“(1) the sum of one plus the number of the family members covered by the health benefits plan, by

“(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

“(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation